

**MINUTES OF THE REGULAR MEETING
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF BARRINGTON
Monday, October 27, 2003**

CALL TO ORDER

The Regular Meeting of the President and Board of Trustees was called to order by Raleigh Meier, contest winner of the VIP for the Day, at 8:00 p.m., in the Village Board Room, 200 South Hough Street, Barrington, Illinois. Raleigh Meier led the pledge of allegiance and then Rev. Ballinger gave the invocation.

ROLL CALL

Upon roll being called the following answered present: Trustees Karen Darch, Jack Schaefer, Beth Raseman, Jeanne Yeagley, Paul Hunt, Jim Daluga; President Marshall Reagle. Also present were: Village Clerk Ron Koppelman, Acting Village Manager Jeff Lawler, Deputy Village Manager Denise Pieroni, and Village Attorney Ed Springer.

READING OF AGENDA

President Reagle asked the Board if there were any additions, corrections or deletions to the Agenda.

PRESENTATION: Character Counts

Teresa Mesman with Character Counts of the Barrington Area presented local Barrington area residents with Character Counts awards including: DJ Hohmeier for Respect, Bill Dayler, Laurie Gray for Fairness, Andrew Matella for Caring, Kay and Don Griffith for Responsibility, Jill Collevite for Citizenship, and Kristen Zemke for Trustworthiness.

PRESENTATION: 3rd Annual Scarecrow Festival Winners

Deputy Village Manager Denise Pieroni announced the winners of the 3rd Annual Scarecrow Festival scarecrow decorating contest and presented certificates to the third place winner Barrington Sweet Tooth, the second place winner The Barn of Barrington, and the first place winner Baird & Warner.

PERSONS TO BE HEARD FROM THE FLOOR – CITIZEN'S REGISTRATION/COMMENTS

President Reagle opened the floor to those wishing to address the Corporate Authorities.

Laura Nadelhoffer of 731 N Exmoor commented on the construction of sidewalks in her neighborhood and questioned the process for getting sidewalks constructed. Trustee Schaefer responded that Ms. Nadelhoffer could contact Public Works through Mr. Schaefer.

Karen Boccabella of 230 Otis Rd expressed her support for a Gymnastics Academy to be located at 200 North Hough Street, Market Center South.

Lynette Griffin 1012 George St expressed her support, as a part owner, for a Gymnastics Academy to be located at 200 North Hough Street, Market Center South.

Gary Griffin of 1012 George St expressed his support, as a part owner, for a Gymnastics Academy to be located at 200 North Hough Street, Market Center South.

Keith and Arlene Johnson of 355 Iela Ln. in Bartlett expressed their support for a Gymnastics Academy to be located at 200 North Hough Street, Market Center South.

Nancy Leedstrom of 520 Concorde Ln. expressed her support for a Gymnastics Academy to be located at 200 North Hough Street, Market Center South.

Relating to the reimbursement by Stephen N. Dieter and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County, Sheila Mannix of 627 S Summit St. read a draft of a letter regarding possible ethics violations by certain members of the Village Board.

Richard Paulus of 606 S Division commented on the reimbursement by Stephen N. Dieter and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County and asked the Board to submit its decision making process to public scrutiny and have the Dieter's reimburse the Village for Attorneys' Fees.

Stephen Dieter of 607 S Summit St. commented on the reimbursement by himself and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County and said that the responsibility lies with the Village of Barrington and all fees and costs should be waived.

Renee Giannini of 611 Summit St. commented on the reimbursement by Stephen N. Dieter and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County and stated that the Garrett's should be responsible for legal fees.

Debra Gierut of 603 S Summit St commented on the reimbursement by Stephen N. Dieter and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County and stated that she does not understand why the Village Board would change the status of the land when the majority of residents do not want the change considering that the Dieter's have turned in their permit.

Kristine Dieter of 607 S Summit St commented on the reimbursement by Stephen N. Dieter and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County and stated that the decision on this issue will set a precedent for others in the Village.

Jim Magnanenzi of 617 S Summit commented that he is not in support of the reimbursement by Stephen N. Dieter and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County.

Karen McCarthy of 621 S Summit commented that she supports that the Dieters should not be held responsible for the reimbursement by for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County.

Laura Exton of 553 Oak Knoll commented on the demolition of the Jewel Tea building and the notification of demolition of the building and the removal of asbestos prior to demolition.

APPROVAL OF MINUTES

CHANGES, CORRECTIONS, APPROVAL OF MINUTES:-

- a. August 25, 2003 – Regular Board Meeting
- b. September 8, 2003 – Regular Board Meeting
- c. September 22, 2003 – Regular Board Meeting
- d. October 13, 2003 – Regular Board Meeting

The Board requested more time to review the Minutes from the August 25, September 8 and October 13 Regular Meetings of the Board. Minutes from September 22nd, 2003 Regular Board Meeting were not available for review.

REPORTS OF VILLAGE OFFICIALS

VILLAGE PRESIDENT'S REPORT

President Reagle reminded the public about the upcoming book sale sponsored by the Friends of the Barrington Area Library. President Reagle read a letter from Terry Jennings regarding the demolition of the Jewel Tea Building. President Reagle reminded the public about a meeting at Village Hall sponsored by The League of Women Voters on the topic of the U.S. Patriot Act.

President Reagle went on to comment on the status of the Village budget and mixed signals the residents have received and suggested that the Village Budget is not in balance as reported by Deputy Village Manager Denise Pieroni, citing as one reason an incorrect estimation of the State's contribution to the Village budget. President Reagle read a memo from former Village Manager Curt Allison on the reasons for a projected budget shortfall and suggestions for closing the projected shortfall.

President Reagle asked that, later in the meeting, Deputy Village Manager Denise Pieroni respond to his comments and questions and explain the budget situation and specifically address the issue of the shortfall and how the budget has become balanced since the writing of the letter by former Village Manager Curt Allison.

President Reagle commented on the Ordinance detailing the appointment of the Village Manager and the Resolution regarding approval of a contract with Klein, Thorpe & Jenkins stating that the President intends to cause disputes regarding powers of appointment. President Reagle concluded by saying the Mr. Barnacle had not provided his best legal opinion and had led the Board astray.

VILLAGE MANAGER'S REPORT

Acting Village Manager Jeff Lawler commented on going discussions with the Wamberg Family Partnership and directed the attention of the Board to a memo prepared by Staff in which Board direction to Staff to prepare documents consistent with a list of outstanding items was being requested.

Trustee Schaefer indicated that he was not ready to support giving direction to Staff with such short notice to review the memo. Trustee Hunt commented that he agreed with Trustee Schaefer on this point. Trustee Yeagley asked Acting Village Manager Jeff Lawler to outline the differences between the memo received on the dais and the memo included in the package for the Board. Trustee Daluga expressed his support for moving forward with the development of a draft agreement that would satisfy both the Village and the Wamberg Family Partnership. Trustee Raseman echoed the comments of Trustee Daluga regarding support for moving forward with the drafting of the agreement, noting that she would like to see improvements at the Hart Road and Route 14 intersection occur sooner rather than later, especially considering the need to have emergency vehicle movement through that part of town. President Reagle thanked the Wamberg family for their continued work on the project. Following further discussion, the Board directed the staff to proceed with the drafting of the agreement and related documents consistent with the October 27, 2003 Memorandum from Acting Village Manager to the President and Board.

Acting Village Manager Jeff Lawler advised the Board that PZED was recommending that the Board schedule a COW meeting on either Jan 13 or 27, 2004 with the Architectural Review Commission and the Plan Commission to discuss issues relating to the Historic Preservation Overlay District. Mr. Lawler shared that Staff believes this would expedite the decision making process.

Mr. Lawler asked the Board to consider scheduling a Goal Setting meeting for November 17, 2003 from 8:00-10:00 p.m.

Mr. Lawler reported that the Fire and Police Commission had 91 applicants for the position of Firefighter/Paramedic, noting that 23 off-duty full-time and POC firefighters had donated 150 hours of their time to ensure that the testing process was efficient and effective.

Mr. Lawler commented that a resident had expressed their appreciation for Public Works on their efforts and support of the activities for Make-A-Difference Day.

VILLAGE CLERK'S REPORT

Village Clerk Ron Koppelman announced that since President Reagle did not sign Resolution No. 03-2907 (Resolution Authorizing Contract for Legal Services (Klein, Thorpe & Jenkins) within the time specified by law, it has become effective despite the absence of his signature.

COMMITTEE REPORTS

ADMINISTRATIVE SERVICES/FINANCE COMMITTEE

Trustee Darch clarified that the Village budget presentation by Deputy Manager Village Manager Denise Pieroni was a proposal for how to close the shortfall in the budget and the changes that would be required to achieve a balanced budget.

Deputy Village Manager Denise Pieroni addressed the Board regarding the approach used by Staff and the Administrative Services/Finance Committee to identify the ways the budget shortfall would be addressed including changes in the pay plan for the Village and not filling the Village Manager's position for 2004.

Trustee Yeagley questioned the part of the Amendment relative to the Village Manager and the net savings relative to the recommendations by Staff under the 1st Amendment to the Annual Budget of the Village of Barrington. Trustee Yeagley held further questions at Trustee Darch's request until later in the evening when the Amendment was to be voted upon.

Trustee Darch thanked Deputy Manager Village Manager Denise Pieroni for her volunteer hours in support of the Scarecrow Festival.

PLANNING & ZONING & ECONOMIC DEVELOPMENT COMMITTEE

Trustee Yeagley reported that the Committee had not met and would be meeting on November 6th at 8:45am and reminded the public that a review of recommended changes to provisions relating to the Historic Overlay District will be on the agenda.

PUBLIC SAFETY COMMITTEE

Trustee Hunt reported that the Committee had not met but reported that he had attended the Barrington Countryside Fire Protection District Trustee's meeting. Trustee Hunt concluded by saying that he is going to work with the Fire Protection District Trustees on their concerns regarding the mixed signals on the Village budget as well as staffing issues.

PUBLIC WORKS COMMITTEE

Trustee Schaefer reported that the Committee had met this evening and had discussed issues related to sewer service, sidewalk construction and repair, and the report on the automated water meter reading system pilot project.

CONSENT AGENDA Pursuant to 65 ILCS 5/3.1-40-40, a single roll call vote of the Village Board of Trustees and the President on a group of ordinances, resolutions, orders, and/or motions.

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to approve taking a single roll call vote to adopt and create a Consent Agenda, consisting of Items 5a, 5b, 5c, 5d, 5e and 5f.

For the benefit of the public, President Reagle listed the following items to be included on the Consent Agenda.

- 5a. MOTION TO RECEIVE AND PLACE ON FILE** a recommendation from the Zoning Board Appeals (ZBA 03-11) regarding a Gymnastics Academy located at 200 North Hough Street, Market Center South
- 5b. RESOLUTION #03-2908:** Authorizing and Approving an Award of Contract to Dahme Mechanical Industries, Inc.
- 5c. RESOLUTION #03-2909:** Authorizing and Approving the Purchase of One (1) New 2003 Current Model Vertical Lift Rubber Tired Skid Steer Loader with Hydraulic Breaker
- 5d. RESOLUTION #03-2910:** Authorizing a Waiver of Competitive Bids and Approving the Purchase of Water Meters and Radio Transmitters (RTR) from Badgermeters, Inc.
- 5e. RESOLUTION #03-2911:** Authorizing a Waiver of Competitive Bids and Approving the Purchase of Star Meter Transmitter Units (MTU) from Hexagram, Inc.

- 5f. RESOLUTION #03-2912:** Authorizing a Waiver of Competitive Bids and Approving the Purchase and Installation of Two (2) Additional Vanguard XC – Electronic Pay by Space Units at the Barrington Train Station

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion to take a single roll call vote to adopt and create the Consent Agenda passed unanimously.

MOTION: A motion was duly made by Trustee Daluga and seconded by Trustee Raseman to approve the Consent Agenda consisting of Items 5a, 5b, 5c, 5d, 5e and 5f.

Trustee Yeagley reminded the public that the reason for the Waiver of Competitive Bids was due to the fact that these purchases are for additional equipment from previous contracts that were already put out to bid. Trustee Raseman added that the purchases under the Resolution were also priced at levels equal to or below the prices included in the original contract.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye; President Reagle, aye. President Reagle declared the motion passed.

President Reagle called for a short recess.

The meeting resumed after a short recess, and President Reagle noted for the record that all those present at the start of the meeting had returned to the dais.

UNFINISHED BUSINESS

6a VETO ITEM:

- i. **MOTION:** To reconsider the vote by which Ordinance No. 03-3089 "Amending Chapter 2 Administration Section 2-56. Acting Manager" was originally adopted

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Daluga to reconsider the vote by which the Ordinance listed in Item 6ai was originally adopted.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- ii. **MOTION:** To Approve Ordinance No. 03-3089 "Amending Chapter 2 Administration Section 2-56. Acting Manager" Notwithstanding the Veto of the Village President

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Daluga to approve the Ordinance listed Item 6aii notwithstanding the veto of the Village President.

President Reagle forewarned the Board that this might create a need for legal action to address the issue of the appointment of Village Manager. Trustee Darch stated that, based on the provisions of the statute, the Board must consider the override of the veto at this meeting. Trustee Yeagley added that overriding the veto and approving the Ordinance will compound the errors in the Village Code.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed and the veto of the Village President overridden.

- 6b MOTION:** To hire Jeff Lawler as Acting Village Manager for a term through April 25, 2005 which term shall not exceed the term of the office of the Village President now holding office at a salary which is Six Hundred Fifty Dollars (\$650.00) per month greater than his current salary and otherwise includes all of the terms and conditions of his current employment as Police Chief. In addition to the performance of his duties as Acting Village Manager, the designee shall continue to perform his duties pursuant to his current employment as Police Chief.

MOTION: Trustee Yeagley made a motion to divide the question in Item 6b. The motion died for lack of a second.

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to amend the Motion as presented on the Agenda as Item 6b to delete the text “through April 25, 2005” and to delete the word “term” the second time it appears at the end of line 1; and to add the following new text to the end of the original text:, “The carryover of all unused vacation days by Jeff Lawler from his work year expiring on or about October 30th, 2003 to his next work year commencing immediate thereafter is hereby approved.”

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

President Reagle commented that he has discussed the issue of the term of Acting Village Manager Jeff Lawler with the President of the Village of Inverness and the possibility that having Jeff Lawler serve as Acting Village Manager might result in a violation of the intergovernmental agreement.

Trustee Yeagley wanted to make clear that while she is voting nay, she is not opposed to paying the additional salary for Mr. Lawler while he is acting in the capacity of Village Manager.

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to pass, as amended, the motion listed as Item 6b.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

NEW BUSINESS

7a. ORDINANCE #03-3096: 1st Amendment to the Annual Budget of the Village of Barrington FY2004

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Raseman to pass, as presented, the Ordinance listed as Item 7a.

Trustee Yeagley requested that the Amendment be changed to reflect the specific dollar amounts associated with each change in the 1st Amendment to the Annual Budget. President Reagle read the Amendment to the Ordinance for the record.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye, President Reagle, nay. President Reagle declared the motion passed.

7b. ORDINANCE #03-3097: Amending the Official Comprehensive Plan of the Village of Barrington

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Yeagley to pass, as presented, the Ordinance listed as Item 7b.

Jim Wallace stated that the Plan Commission does not recommend this change to the Official Comprehensive Plan of the Village of Barrington and that passing this Ordinance does not prohibit residential development in the affected areas but does send the message that residential development is not encouraged.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, nay; Trustee Yeagley, aye; Trustee Hunt, nay; Trustee Daluga, nay, President Reagle, aye. President Reagle declared the motion passed.

7c. RESOLUTION #03-2913: Amending the Village of Barrington Village Center Master Plan

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Schaefer to pass, as presented, the Resolution listed as Item 7c on the Agenda.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, nay; Trustee Yeagley, aye; Trustee Hunt, nay; Trustee Daluga, nay, President Reagle, aye. President Reagle declared the motion passed.

- 7d. ORDINANCE #03-3098:** Amendment to Ordinance No. 97-2660 (As Amended by Ordinance No. 98-2706) A Special Use Permit for the use of an existing building on a site in excess of one acre in area within the B-5 Village Center District (Re: ZBA 03-11; 200 North Hough Street, Market Center South)

MOTION: A motion was duly made by Trustee Raseman and seconded by Trustee Schaefer to pass, as presented, the Ordinance listed as Item 7d on the Agenda.

Jeff O'Brien read the vote of the Plan Commission into the record as unanimous support for the Amendment. Trustee Raseman asked questions regarding the progress on clean up of the site and the access points for ingress and egress in to and out of the building. Jim Wallace commented that a number of exits are available and clarified that the building code calls for a clear path to exit the building. Trustee Raseman inquired about the consistency of the direction of this development with other projects currently under review.

Trustee Raseman stated that she supports the complimentary use of this property both as an establishment to generate sales tax in its own right and for other business in the surrounding area.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- 7e. RESOLUTION #03-2914:** Authorizing the Execution of an Agreement between the Village of Barrington and CenCom E 9-1-1 Emergency Telephone System

MOTION: A motion was duly made by Trustee Yeagley and seconded by Trustee Darch to pass, as presented, the Resolution listed on the Agenda as Item 7e.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- 7f. RESOLUTION #03-2915:** RE: Reimbursement by Stephen N. Dieter and Kristine C. Dieter for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County, Case No. 03 CH 04973

President Reagle read the entire Resolution.

MOTION: A motion was duly made by Trustee Hunt and seconded by Trustee Darch to pass, as presented, the Resolution listed on the Agenda as Item 7f.

Trustee Yeagley read text from the original Resolution #02-2712 under Condition 2 regarding language that the Village be held harmless and be indemnified against fees and other costs as permitted by law. Trustee Yeagley stated that she did not vote in favor of the original Resolution and that decisions regarded platted alleys be made based on what is good for the Village rather than what is good for one particular resident. Trustee Yeagley said that the Village should not accept the dedication of alleys as it exposes the Village to liability. Trustee Yeagley went on to say that she believes the Board acted on behalf of one resident seeking a building permit over the concerns of other residents who would be affected by the construction as a result of the granting of the building permit. Trustee Yeagley commented that Attorney James Bateman had advised the Board that a court decision in the Pending Lawsuit in the Circuit Court of Cook County, Case No. 03 CH 04973 would not provide the Village with a general direction or a defined policy on the issue of alleys in other parts of the Village. Trustee Yeagley went on to say that the Mr. Bateman estimated the cost of litigation at approximately \$100,000.00

Trustee Hunt also read from the same section of text of the original Resolution as Trustee Yeagley regarding the use of the platted alley. Trustee Hunt stated that he believes it is not fair to hold the

Dieter's responsible for Attorneys' Fees and Other Costs of Defense of Pending Lawsuit in the Circuit Court of Cook County, Case No. 03 CH 04973

Trustee Daluga stated that he agrees with Trustee Hunt, but noted that he was not a Trustee on the Village Board that voted for the original Resolution. Trustee Daluga questioned the validity of holding the Dieter's responsible for litigation that impacts other property owners in the Village. Trustee Daluga felt that the comments by Mr. Bateman were not characterized correctly by Trustee Yeagley and that a decision at the Appellate Court would be of benefit to the Village. Trustee Daluga said he believes the Village should vigorously defend itself in this suit so that all residents can know their rights when approaching the Village about alleys on their property and that he would vote in support of the Resolution to release the Dieter's from legal costs pursuant to this Resolution.

Trustee Darch clarified that the Resolution, as read, concerns the Dieter's responsibility to reimburse the Village for legal fees from September 3rd, 2003 on and that the courts are often a necessary way to resolve disputes such as the Pending Lawsuit. Trustee Darch states that it is in the interest of the Village to get resolution on the matter of alleys and permits for driveways for the Village. Trustee Darch reported on a count she conducted of alleys in one section of the Village and the various states of improvement of some of those alleys including some paved alleys and some gravel paved alleys. Trustee Darch said that the Village has an interest in the outcome of this litigation to know what to advise residents who approach the Village looking for a permit to pave an alley. Trustee Darch concluded by saying she is in support of the Resolution.

In response to a presentation by Staff on current alley condition in one area of the Village bounded by Summit and Hillside to the North and South, Trustee Yeagley stated that there is an important difference between an unaccepted alley and an accepted alley and knowing which is which is important when considering other alleys in the Village.

Trustee Darch reiterated that the Village has an interest in this litigation and that the Dieter's have retained their own counsel and that holding the Dieters responsible for litigation that benefits the Village might not be fair to the Dieters.

Trustee Schaefer stated that property rights take precedence over any popular vote, even if unanimous, could vote on the wrong side of the law. Trustee Schaefer concluded by saying this is a complex matter and may best be settled by a judge.

Trustee Raseman remarked that she believed some statements made over the course of the evening were inaccurate and were influenced by the emotions associated with this issue. Trustee Raseman said that holding an individual resident, in this instance, the Dieters, responsible for the cost of litigation that would help set a policy for the Village is not fair.

President Reagle also read from the same section of the original Resolution. Trustee Reagle stated that the lawsuit could go on for years and that Board is responsible for protecting the residents of the Village and that it is not fair to ask all residents to support the legal costs for one resident. President Reagle said that the responsibility of the Board is to protect the interests of all the residents in the Village and that is not reasonable to ask all the Village residents to pay for the legal costs for one decision on an alley that will not be applicable to all the alleys in the Village. President Reagle said that he agreed with the former Village Manager that each of the alleys would be different and no policy could be created to cover all the alleys in the Village. President Reagle stated that the Board should set the policy on the alleys in the Village.

Trustee Darch suggested that the question is not a policy issue regarding alleys but a question of property rights and the litigation surrounds whether the rights of Dieters to improve the alley infringes on the rights of the Dieter's neighbors who have property abutting the alley. The Board supported the Dieters property rights and the lawsuit dealing with the issue as to whether the Board was not accurate in supporting the property rights of the Dieters should be defended by the Village using taxpayer dollars.

Trustee Raseman asked to limit the discussion due to the pending litigation.

Trustee Yeagley commented that she believed the Dieters knew that this issue would result in litigation. Trustee Yeagley stated that the results of the survey put the Board in the awkward position of supporting a policy that the majority of resident oppose, as recorded by the results of the survey.

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, nay; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

PAYMENT OF BILLS:

- a. Warrants' List – 10/27/03 - \$ 298,180.16 (General)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Schaefer to approve the payment of the bills included on the voucher listing for the period ending 10/27/03 - \$ 298,180.16 (General).

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- b. Warrants' List – 10/27/03 - \$ 4667.70 (Harris Bank / Seyfarth Shah)

Trustee Darch noted for the record that, due to a conflict of interest, she was recusing herself from deliberation on this matter in any way.

MOTION: A motion was duly made by Trustee Daluga and seconded by Trustee Schaefer to approve the payment of the bills included on the voucher listing for the period ending 10/27/03 - \$ 4667.70 (Harris Bank / Seyfarth Shah).

ROLL CALL: Trustee Darch, recused; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- c. Warrants' List – 10/27/03 - \$ 24,701.83 (ComEd)

Trustee Hunt noted for the record that, due to a conflict of interest, he was recusing himself from deliberation on this matter in any way.

MOTION: A motion was duly made by Trustee Raseman and seconded by Trustee Daluga to approve the payment of the bills included on the voucher listing for the period ending 10/13/03 - \$ 24,701.83 (ComEd).

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, recused; Trustee Daluga, aye. President Reagle declared the motion passed.

- d. Warrants' List – 10/27/03 - \$ 97,867.96 (IPBC)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Yeagley to approve the payment of the bills included on the voucher listing for the period ending 10/27/03 - \$ 97,867.96 (IPBC).

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

- e. Warrants' List – 10/27/03 - \$ 24,000.00 (CenCom) Action on this Warrant is subject to Board Approval of the Resolution Authorizing and Approving Contract with CenCom for Dispatch Services (Agenda Item 7e.)

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Yeagley to approve the payment of the bills included on the voucher listing for the period ending 10/27/03 - \$ 24,000.00 (CenCom).

ROLL CALL: Trustee Darch, aye; Trustee Schaefer, aye; Trustee Raseman, aye; Trustee Yeagley, aye; Trustee Hunt, aye; Trustee Daluga, aye. President Reagle declared the motion passed.

COMMENTS – “ROUND THE TABLE”

Trustee Darch thanked those residents who attended the Scarecrow Festival and congratulated the recipients of the Character Counts awards. Trustee Darch reminded residents that Trick or Treating hours are 3p.m. to 7p.m. and concluded by commenting on various sports team at Barrington High School who are competing at the State and Local level.

Trustee Schaefer commented on the budget process and shared his view that the situation is not the disaster that some would like to suggest and that the Village of Barrington is in better shape than other municipalities who are facing similar circumstances. Trustee Schaefer stated that he is confident that the budget process is working and that the Department Heads are doing excellent work in identifying ways to keep the budget balanced.

Trustee Raseman commented on the asbestos removal of the Jewel Tea Building and reported that the discussion from the Park District meeting indicated that care would be exercised to ensure that the buildings would not be torn down as long as there was asbestos present. Trustee Raseman commented on Laurie Gray's Character Counts award and thanked her for coaching in the Village. Trustee Raseman thanked those who participated in the Scarecrow Festival. Trustee Raseman stated that she believes the Village Board should support efforts to revitalize the downtown such as the Resolution in support of the gymnastics center and Cook St. Plaza. Trustee Raseman concluded by saying that she looks forward to the goal setting session and focusing on the business of the Village.

Trustee Yeagley said that there were an equal number of Plaintiffs and Defendants in the lawsuit regarding Circuit Court of Cook County, Case No. 03 CH 04973 but that some people who were opposed to the alley were not willing to be plaintiffs in the lawsuit. Trustee Yeagley said that the best measure of the resident's interest comes from the survey results. Trustee Yeagley suggested that residents who have an alley in their property should come forward now and that she believes that this case will not set a policy that would apply to all other alleys in the Village. Trustee Yeagley commented on a recent crime involving a resident's home that was spray painted and ensured residents that the Village Police are investigating and encouraged residents to come forward and report anything that might help in the investigation.

Trustee Hunt wished good luck to all the Barrington High School teams competing in fall sports and thanked the organizers of the Scarecrow Festival and Public Works' progress on streetscaping.

Trustee Daluga encouraged residents to attend Our Town Barrington Volunteers' annual meeting to be held on Monday November 3rd at 7:30 p.m. in the Board Room of Village Hall.

ADJOURNMENT

MOTION: A motion was duly made by Trustee Darch and seconded by Trustee Daluga to adjourn the Regular Meeting of the President and Board of Trustees.

A voice vote was then called following which President Reagle declared the motion to adjourn had been unanimously adopted and the meeting was adjourned. The time was 12:07 a.m. Tuesday, October 28, 2003.

Ron Koppelman, Village Clerk